

Walker

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the
Eastern District of VirginiaLaguan Lemelle Davis
Petitioner

v.

CA22000239-04
CA22000239-03
CA22000239-05

Case No.

(Supplied by Clerk of Court)

Commonwealth of Virginia
Respondent

(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Laguan Lemelle Davis
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Newport News City Jail
(b) Address: Smart Communication Newport News Sheriffs Office
PO Box 9117 Seminole FL 3375-9117
(c) Your identification number: 1602363
3. Are you currently being held on orders by:
☐ Federal authorities ☒ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: Circuit Court Room Number 3
2500 Washington Ave Newport News VA 23607
(b) Docket number of criminal case: CA22000239-04, CA22000239-03, CA22000239-05
(c) Date of sentencing: 3/17/2023
☐ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)☐ Pretrial detention☐ Immigration detention☐ Detainer☒ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)☐ Disciplinary proceedings☐ Other (explain): To my acknowledgment the courts over charged me from my guidelines being from a 2-year mandatory sentence to a 2-year and 4 month sentence and a 2 year and 8 month sentence and they gave 7 years to serve

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Circuit Court Court Room 3 2500 Washington Ave Newport News VA 23607(b) Docket number, case number, or opinion number: CA22000239-4, CA22000239-03, CA22000239-05

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Violation of my fourth and fifth Amendment, I was over charged, violation of my jury trial because I never got charged by the jury, no verdict by jury ~~an violation~~ no probable cause(d) Date of the decision or action: September 28th 2022**Your Earlier Challenges of the Decision or Action**7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: in the Court of Appeals of Virginia(2) Date of filing: 4/12/2023(3) Docket number, case number, or opinion number: CA22000239-04(4) Result: Withdrew appeal on advice from counsel(5) Date of result: 6/5/2023(6) Issues raised: under advice from counsel I withdrew appeal

(b) If you answered "No," explain why you did not appeal: N/A

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: N/A

(2) Date of filing: N/A

(3) Docket number, case number, or opinion number: N/A

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

(b) If you answered "No," explain why you did not file a second appeal:

N/A

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: N/A

(2) Date of filing: N/A

(3) Docket number, case number, or opinion number: N/A

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

N/A

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(b) If you answered "No," explain why you did not file a third appeal:

N/A

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☒ Yes☐ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court:

N/A

(2) Case number:

N/A

(3) Date of filing:

N/A

(4) Result:

N/A

(5) Date of result:

N/A

(6) Issues raised:

N/A

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court:

N/A

(2) Case number:

N/A

(3) Date of filing:

N/A

(4) Result:

N/A

(5) Date of result:

N/A

(6) Issues raised:

N/A

N/A
N/A

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: State Jurisdiction

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes ☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: N/A
 (b) Date of the removal or reinstatement order: N/A
 (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Date of filing: N/A
 (2) Case number: N/A
 (3) Result: N/A
 (4) Date of result: N/A
 (5) Issues raised: N/A

- (d) Did you appeal the decision to the United States Court of Appeals?

☒ Yes ☐ No

If "Yes," provide:

- (1) Name of court: in the Court of Appeals of Virginia
 (2) Date of filing: 4/12/2023
 (3) Case number: CP22000234-04

- (4) Result: under advice from counsel I withdrew my appeal
- (5) Date of result: 6/15/2023
- (6) Issues raised: _____
- _____
- _____
- _____
- _____
- _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

N/A

N/A

N/A

N/A

N/A

N/A

N/A

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: Fourth Admittment and Fifth Admittment

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

He Had NO grounds for detaining me

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

GROUND TWO: Nilotion on my Jury trail because I Never got charged by the Jury and there was NO verdict by Jury
Jury Never gave a verdict

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

Jury Never gave a verdict

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

GROUND THREE: The Drug Ammount and First time Felon

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

Excessive Sentence, malicous sentencing with bias used in the Court
Broom from my main Charge being Disssmed

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☒ No

GROUND FOUR: ineffective Counseling

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

my lawyer lied to me numerous times in my case

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: N/A

Request for Relief

15. State exactly what you want the court to do: fix the mistakes from low court, relief

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

10/10/2023

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

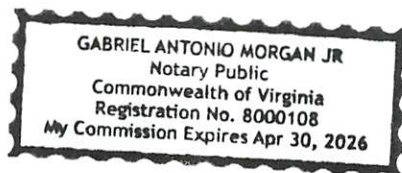
10/10/2023

Laguan Davis

Signature of Petitioner

Laguan Davis

Signature of Attorney or other authorized person, if any



[Signature]
10/11/2023